

REMARKS

In the Office Action mailed March 3, 2009 the Office noted that claims 17-36 were pending and rejected claims 17-36. Claims 17, 22, 28 and 32 have been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 17-36 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

REJECTIONS under 35 U.S.C. § 102

Claims 17, 20, 21, 28 and 31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hirano, U.S. Patent No. 2004/0247278. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

Hirano discusses a system to reduce the number of base stations and handover number and secure a communication feasible area to prevent a break of communication between a mobile body side and a ground side by transmitting the handover on the ground side equipment.

On pages 3 and 4 of the Office Action, it is asserted that Hirano, figure 7B and ¶ 0075 disclose "wherein upon the station apparatus other than the station apparatus located front-most in the moving direction of the mobile body moves out of contact of a prior access point, the information acquired at the time of retrieving the access point apparatus to which the

station apparatus located front-most in the moving direction of the mobile body is adapted to belong is used to connect the station apparatus other than the station apparatus located front-most **in the moving direction to the access point apparatus without performing a scan,"** as in claim 17.

However, with respect to Hirano, ¶¶ 0018 and 0019 disclose

In the invention, optical fiber trackside radio communications subsystems, wherein an optical fiber is connected to a base station, the optical fiber is branched into a plurality of end tails, a plurality of optical signal/electronic signal interconversion means and a plurality of antennas are arranged at the plurality of end tails, and the antennas are arranged along a track of a mobile body are adjacently provided at a given interval.

Due to this construction, it becomes possible to reduce number of APs **and provide a communication system using only one frequency.** [Emphasis added]

Thus, in Hirano it is not necessary to acquire information at the time of retrieving the access point apparatus to which the station apparatus located front-most in the moving direction of the mobile body is adapted to belong is used to connect the station apparatus other than the station apparatus, as that information (i.e. the frequency information) is not required as there is **only one frequency.**

However, the Applicant acknowledges that with only one frequency used, no scan is required. Thus, the Applicant has amended claim 17 to further recite "a plurality of access point apparatus arranged along a predetermined route transmitting on a

plurality of frequencies ... the station apparatus located front-most in the moving direction of the mobile body being adapted to transmit the information comprising a frequency of a plurality of frequencies acquired at the time of retrieving an access point apparatus ... the access point apparatus without performing a scan of the plurality of frequencies." Support for the amendment may be found, for example, in ¶ 0005 of the published version of the Specification. The Applicant submits that no new matter is believed to have been added by the amendment of claim 17. Claim 28 has been likewise amended.

The Applicant acknowledges that Hirano does discuss multiple frequencies, for instance (See Figs. 4B and 4D). However, the Applicant can find nowhere in the reference where it is stated that the frequency of (i.e. information of an access point) is transmitted from the front station apparatus via an internal network to other cars station apparatus. Neither is it implicit because such information could be received by the second external communication means 33 when it comes in contact with the second communication feasible area and could negotiate the frequency in the conventional manner.

Further, Hirano ¶ 0075, lines 8-14 state

The handover is, for example, conducted by sending information in relation to the handover to the first communication feasible area via the second external communication means 33, **processing the handover on the ground side**, and letting the first external communication means 33 receive the processing result via the second communication feasible area.

Thus, the handover as discussed in Hirano, is processed on the ground side meaning between AP 11 in the first communication feasible area and AP 11 in the second communication feasible area (See Hirano ¶ 0042).

Therefore, Hirano does not disclose "the station apparatus located front-most in the moving direction of the mobile body being adapted to transmit the information comprising a frequency of a plurality of frequencies acquired at the time of retrieving an access point apparatus to which the station apparatus located front-most in the moving direction of the mobile body is adapted to belong, to the station apparatus other than the station apparatus located front-most in the moving direction of the mobile body by way of the intra-mobile-body communication network," as in amended claim 17.

For at least the reasons discussed above, claims 17 and 28 and the claims dependent therefrom are not anticipated by Hirano.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 18, 19, 29 and 30 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hirano in view of Syed, U.S. Patent No. 6,845,230. The Applicant respectfully disagrees and traverses the rejection with an argument.

Syed adds nothing to the deficiencies of Hirano as

applied to the independent claims. Therefore, Hirano and Syed, taken separately or in combination, fail to render obvious the features of claims 18, 19, 29 and 30.

Claims 22-27 and 32-36 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hirano in view of Moelard, U.S. Patent No. 5,636,217. The Applicant respectfully disagrees and traverses the rejection with an argument.

Moelard discusses a system that stores in access points information about mobile stations and forwards data bound for an original destination access point to another if the mobile station moves from the original destination access point to the other access point.

Claims 22 and 32 have been amended in a manner consistent with the amendment of claim 17. Moelard does not disclose a plurality of frequencies.

However, even if, assuming *arguendo*, Moelard did disclose a plurality of frequencies, one of ordinary skill in the art would not have looked to Moelard to teach that which the main reference state is disadvantageous.

Therefore, Hirano and Moelard, taken separately or in combination, fail to render obvious the features of claims 22 and 32 and the claims dependent therefrom.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 17-36 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./
James J. Livingston, Jr.
Reg. No. 55,394
209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/lrs